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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thomas P. Luchino et al.

Confirmation No.: 2425

Serial No.: 09/863,773

Art Unit: 1744

Filed: May 23, 2001

Examiner: Laura C. Cole

For: A TOOTHBRUSH WITH INDIVIDUALLY EMBEDDED BRISTLES

Certificate of Mailing or Transmission [37 CFR 1.8(s)]  
I hereby certify that this correspondence is being:☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.March 30, 2005  
(Date of Deposit)James P. Barr  
Name of applicant, assignee, or Registered Representative  
/James P. Barr/

(Signature)

March 30, 2005  
(Date of Signature)RECEIVED  
APR 04 2005  
OFFICE OF PETITIONSMail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

1. Petition fee;
2. Reply and/or Issue fee;
3. Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
4. Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity fee \$1500.00(37 CFR 1.17(m))

## 2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office Action in the form of Preliminary Amendment (identify type of reply):
- ☐ has been filed previously on
- ☒ is enclosed herewith.

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- B. The issue fee of \$  
☐ has been paid previously on  
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee  
☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.  
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]

- ☒ Charge the petition fee of \$1500.00 to Account 10-0750/JDC375/JPB and for any additional fee required. A duplicate of this petition is attached.  
☐ A check in the sum of \$ \_\_\_\_\_ is attached.  
☒ Charge Account 10-0750/JDC375/JPB for any additional fee required.

/James P. Barr/  
James P. Barr  
Reg. No.: 32,882  
Attorney for Applicant(s)

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New Brunswick, NJ 08933  
Tel. No.: (732) 524-2826  
Date: March 30, 2005

Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Additional Sheets containing statements establishing unintentional delay  
☐ Other: \_\_\_\_\_